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Paper No. 14  
**COPY MAILED**

**FEB 27 2003**

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P.O. BOX 19928  
ALEXANDRIA, VA 22320

In re Application of  
Komatsuda, et al.  
Application No. 09/396,582  
Filed: September 15, 1999  
Atty. Dkt. No. 105203

**OFFICE OF PETITIONS**  
ON PETITION

This is a decision on the renewed petition filed July 16, 2002  
under 37 CFR 1.181.

The petition is **GRANTED**.

The application was held abandoned December 26, 2001 for failure  
to timely submit the issue fee as required by the Notice of  
Allowance and Issue Fee Due ("Notice") mailed September 25, 2001.  
The Notice set a three (3) month statutory period of time for  
reply. Notice of Abandonment was mailed April 11, 2002.

Petitioner argues that in response to the Notice, a Request for  
Continued Examination ("RCE") along with submission and required  
fee were filed December 17, 2001.

A review of the official application file indicates that the  
requirements of 37 CFR 1.114 were timely met on December 14,  
2001.

In view of the above, the Notice of Abandonment is hereby **VACATED**  
and the Notice of Abandonment is **WITHDRAWN**.

The application file is being forwarded to Technology Center 2800  
for consideration of the submission under 37 CFR 1.114 filed  
December 17, 2001.

No fee is due in connection with this matter.

Telephone inquiries regarding the status of this application  
should be directed to Technology Center at (703) 308-0956.

Telephone inquiries concerning the content of this decision on  
petition may be directed to the undersigned at (703) 305-0310.

Alesia M. Brown  
Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy